

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WONG SUET FONG,

Plaintiff,

V.

BAC HOMELOANS SERVICING LP, *et al.*,

## Defendants.

Case No. 2:11-CV-01446-KJD-PAL

## ORDER

Presently before the Court is Plaintiff's Motion for Entry of Clerk's Default (#9). Having read and considered the motion, it is denied. The Summons Returned Executed (#7) reveals that if the summons and complaint were served, service was effected by Plaintiff. However, Federal Rule of Civil Procedure 4(c)(2) requires that a person, not a party to the case or action, serve the summons and complaint. Therefore, since Defendant Bank of America has not been properly served the summons and complaint, no answer was due and default may not be entered.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Clerk's Default (#9) is **DENIED**.

DATED this 12<sup>th</sup> day of October 2011.

*Keat D*

Kent J. Dawson  
United States District Judge